

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 2 IN AND FOR THE COUNTY OF MARICOPA

3 STATE OF ARIZONA,)

4 Plaintiff,)

5 vs.)

6 GREGORY LEE RODVELT,)

7 Defendant.)

1 CA-CR 18-0783
 CR2017-005547-001

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 11 Phoenix, Arizona
 September 11, 2018

12
 13 BEFORE: THE HONORABLE SALLY SCHNEIDER DUNCAN, JUDGE

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 16 REPORTER'S TRANSCRIPT OF PROCEEDINGS
 17 MOTION TO HOLD DEFENDANT NONBONDABLE

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 20
 21 TARA L. KRAMER, RPR
 22 Certified Reporter #50439

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 24 Prepared for Appeal
 25 ORIGINAL
 COPY

GOVERNMENT
 EXHIBIT

6

1:19-cr-00454-MC

Exhibit 6
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A P P E A R A N C E S

On Behalf of the State:
Chong Ho Chung
Maricopa County Attorney's Office

On Behalf of the Defendant:
Gregory Lee Rodvelt
Pro Per

James Buesing
Advisory Counsel

P R O C E E D I N G S

THE COURT: This is the time set for what I will call oral argument and a final trial management conference in CR2017-005547-001. Can you please announce?

MR. CHUNG: Good morning, Your Honor, CH Chung for the State.

THE DEFENDANT: Gregory Rodvelt, Defendant.

MR. BUESING: Good morning, Your Honor, James Buesing appearing as advisory counsel for Mr. Rodvelt.

THE COURT: Okay. Did I ever receive a statement of the case for Count 6? I thought I was supposed to receive that.

MR. CHUNG: I apologize, Your Honor, I -- I did not send the Court a copy of that statement yet.

THE COURT: We'll do it right now.

MR. CHUNG: Yes, Your Honor.

THE COURT: Because while we're handling other matters, my staff can print it out for all of us, and I can finalize that.

Second, I've received a motion to have the Defendant nonbondable, and I need -- and I'm inclined to hold the Defendant nonbondable based upon the continued violations of the Pretrial Services release orders. I'm

1 just letting you know that's what I'm thinking, sir.

2 THE DEFENDANT: I believe Your Honor should
3 listen to the -- what's going on in the case instead of
4 just jumping to conclusions. What was written is not
5 correct.

6 THE COURT: Then this is your opportunity to
7 be heard. I always like people to know what I'm thinking
8 so that you're able to direct your attention to what the
9 Court's concerns are, so let me tell what you my concerns
10 are, some of which are outlined in the motion.

11 There was an allegation that you had
12 violated Pretrial Services release by going to an
13 establishment that you shouldn't have gone to, that was
14 here, that involved weapons.

15 Then there's an allegation that you were
16 granted permission by a judge to travel out of state where
17 you incurred contact with law enforcement in an ongoing
18 investigation with respect to alleged criminal conduct in
19 the State of Oregon.

20 And then -- I'm just outlining everything I
21 understand -- and then you failed to appear here. There
22 was the medical overlay, so I just want to talk about
23 that, and I had to secure your appearance by phone.

24 And then I have evidence or information
25 based on this motion which I received that you then were

1 out of compliance with Pretrial Services and arrested and
2 then released on a bond. So I need to understand what's
3 going on here.

4 You can understand from my perspective there
5 appear to be a series of repeated violations of pretrial
6 release and apparently contact with the criminal justice
7 system in violation. That how I see it.

8 Mr. Buesing, would you like a moment with
9 your advisory client, or are you substituting in?

10 MR. BUESING: I am not substituting in. I
11 just wanted to have an opportunity to remind Mr. Rodvelt
12 of something real quick, if I can.

13 THE COURT: Please do.

14 MR. BUESING: Thank you.

15 MR. CHUNG: Your Honor, may I approach?

16 THE COURT: Yes.

17 MR. CHUNG: I am handing up to the Court a
18 copy of a criminal complaint filed on September 10th, as
19 well as --

20 THE COURT: In Oregon, okay. So there are
21 actually now criminal charges in Oregon. Is there an
22 initial appearance or anything --

23 MR. CHUNG: Not yet, Your Honor.

24 And I have -- attending this hearing is
25 Special Agent Phillip Bates of the FBI in case the Court

1 has any questions for --

2 THE COURT: No, let me -- does the Defendant
3 have this document?

4 MR. CHUNG: Yes, I've just handed him a copy
5 of the criminal complaint, and I believe he has a copy of
6 the court-appointed receiver civil matter --

7 THE DEFENDANT: No, I don't --

8 THE COURT: Just give me a moment, because I
9 haven't seen these -- just a moment. I need to read this
10 now as well, so just give me a second.

11 Okay. So, obviously, there may be matters
12 pending before a Grand Jury in Oregon that you may not be
13 in a position to speak about at this time, and I don't
14 know where's any intention to have Mr. Rodvelt appear in
15 court -- federal court here for transfer to Oregon.

16 These are all matters that would normally
17 happen. I used to practice in federal court, so I'm very
18 familiar with that procedure.

19 So, sir, I'm not asking you a single
20 question related to this criminal complaint. You have a
21 Fifth Amendment right not to speak about it, and so you're
22 not going to speak about it, not in this courtroom,
23 because anything that you say could be used against you.

24 THE DEFENDANT: I --

25 THE COURT: There's a process -- wait, sir,

1 let me finish talking. I have control of this courtroom.
2 You do not.

3 The complication for you is not only are
4 your activities in Oregon now subject of criminal
5 prosecution, they are the subject matter at least in part,
6 only in part, of my reconsidering your bond status and
7 your release status here.

8 So what you need to understand is that's
9 complicated, because if you plan to argue anything related
10 to Oregon, you waive your Fifth Amendment right. And
11 there are criminal charges there, and anything you say can
12 and will be used against you in that prosecution. Do you
13 understand that?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Furthermore, I couldn't even
16 appoint Mr. Buesing.

17 Are you a CJA panel lawyer?

18 MR. BUESING: I am, Your Honor.

19 THE COURT: Okay. That's a little bit of a
20 game changer for that purpose, because you may be advisory
21 counsel in this matter, but -- and I don't have federal
22 jurisdiction to appoint you.

23 But I would say that you should cozy up to
24 Mr. Rodvelt and, in fact, step out of this courtroom and
25 you have a chat with him, because he may be hailed to

1 appear in federal -- a federal magistrate judge directly
2 down the street for his initial appearance and decisions
3 about getting him to appear in Oregon on what is now a
4 federal charge in Oregon. And since you are on the panel,
5 you are very aware of that process.

6 MR. BUESING: Yes, Your Honor. I did
7 caution him about the advisements that the Court just
8 advised him on.

9 THE COURT: Okay. All right. Did you talk
10 to him about the fact that he can be hailed into the
11 federal court here, and he could be arrested?

12 MR. BUESING: We've not spoken --

13 THE COURT: He doesn't have to be summonsed
14 in. He can be invited in under not his own free will to
15 appear over there.

16 MR. BUESING: We've not spoken specifically
17 about the procedure, Your Honor.

18 THE COURT: Okay. I'm just going to give
19 you a moment to step outside the courtroom and talk about
20 the comprehensive nature of that problem.

21 MR. BUESING: Yes, Your Honor.

22 THE COURT: Because I am considering those
23 activities, along with whatever your client may want to
24 talk about what happened over the weekend.

25 But given the fact that I have no earthly

1 idea what he's going to say about that, he may have Fifth
2 Amendment rights related to that activity as well that he
3 may not want to chat about. So I think you should talk to
4 him for a moment.

5 MR. BUESING: Yes, Your Honor.

6 THE COURT: Okay. Please do, feel free. We
7 will be at recess until you're ready to come back and chat
8 with us about this issue.

9 (Thereupon, proceedings are recessed briefly
10 and thereafter resumed.)

11 THE COURT: All right. We're back on the
12 record. Everyone is present.

13 Mr. Buesing, I took the liberty to print
14 Rule 5 for your advisory client. If you'd also give the
15 State a copy of that, he could understand what happens in
16 federal court.

17 MR. BUESING: Thank you, Your Honor.

18 THE COURT: I know you're aware of the rule,
19 but I printed a copy for you as well.

20 MR. CHUNG: Thank you, Your Honor.

21 THE COURT: I didn't think that he needed to
22 know yet about Rule 20. That's down the road, depending
23 on what decisions are made, but he will be required to
24 appear in federal court either of his own free will or
25 under arrest.

1 And since you're representing yourself, I
2 wanted you to understand I'm not a federal judge, but
3 that's what happens in federal court. Now --

4 THE DEFENDANT: I haven't read it, Your
5 Honor --

6 THE COURT: No, I'm not here to give you any
7 rights in federal court. That's just a courtesy for you,
8 sir, so you understand there are procedures in place.

9 And the allegations that I have read are
10 very serious. A federal officer was allegedly -- suffered
11 real injury and had to receive medical attention. So I'm
12 ready to hear -- do you want Mr. Buesing to represent you,
13 or you want to continue to represent yourself?

14 THE DEFENDANT: I just want to state what
15 the -- what's on the record, just to get the calendar
16 clear, so that Your Honor's saying what happened, what
17 transpired --

18 THE COURT: Okay.

19 THE DEFENDANT: -- as far as the timeline
20 is. We're not going to talk about anything other than
21 just the timeline.

22 THE COURT: That's fine. You're free to
23 choose, as long as you understood the consequences of what
24 you say, what you would like to say, okay?

25 THE DEFENDANT: I'm going to state what's

1 already on the record so that you, Your Honor, can
2 understand. On -- we were in court on August 8th in
3 judge -- on Master Calendar that is scheduled for trial.
4 At that time I was ready to go to trial, but the
5 prosecution asked for a continuance.

6 THE COURT: I'm not --

7 THE DEFENDANT: You're talking about --

8 THE COURT: Sir --

9 THE DEFENDANT: It's important --

10 THE COURT: No, no, no, I want to confine --
11 you may have other arguments. I am not here to hear those
12 arguments. This is the only issue before the Court right
13 now, a simple issue.

14 THE DEFENDANT: Okay.

15 THE COURT: The State filed a motion to hold
16 you nonbondable. The State -- and you should have
17 received a copy of that motion.

18 THE DEFENDANT: I just when I came into
19 court today received it.

20 THE COURT: Right. And the State has
21 discussed in that motion -- and I'm referring to it again,
22 a couple of events, that one of them is the incident in
23 Oregon that is discussed in this.

24 There's also the issue with respect to what
25 happened on September 7th; and again, this is Oregon, but

1 there's also -- my understanding is that there was a
2 whereabouts unknown and an arrest over the weekend. Is
3 that not accurate?

4 MR. CHUNG: Your Honor, that relates to the
5 September 7th incident.

6 THE COURT: Okay. So he was arrested in the
7 federal charge, or was he --

8 THE COURT: Okay. So it was a pretrial
9 violation, and the state court charge; correct?

10 MR. CHUNG: Yes.

11 THE COURT: Got it.

12 Okay. So all of it relates to, apparently,
13 what happened in Oregon or the allegations arising out of
14 what happened in Oregon; is that correct?

15 MR. CHUNG: Yes.

16 THE COURT: Okay. That's all we're here to
17 talk about.

18 THE DEFENDANT: Okay. That's what I was
19 going to mention to the Court. I went there to Oregon.
20 The reason was, was to go to court on the 17th. I filed a
21 motion to go -- to be at that hearing, and we were in
22 agreement.

23 And then Monday, Tuesday, Wednesday,
24 Thursday, after I filed the motion, you know, I was
25 supposed to be able to leave. They didn't let me leave

1 until 1:00 o'clock on Thursday. I couldn't make the 9:00
2 o'clock appointment in Oregon, couldn't drive straight
3 through. No way you can make it on time.

4 So Oregon held a hearing, apparently
5 appointed a receiver. I arrived there Friday afternoon.
6 The property was under my name, and it stayed under my
7 name. I've owned it for five years --

8 THE COURT: Mr. Buesing, I'm really
9 concerned --

10 MR. BUESING: Your Honor --

11 THE COURT: -- because all of this
12 information are links in the chain of evidence for which
13 your client is facing --

14 MR. BUESING: Yes, Your Honor.

15 THE COURT: -- very serious charges.

16 He's not your client. You're advisory
17 counsel. He's here unrepresented in the federal matter.
18 I don't want to hear about it.

19 MR. BUESING: Yes, Your Honor, and I have
20 advised him about what not to speak about --

21 THE COURT: I'm not comfortable with that,
22 okay? I have an FBI agent in the back of the courtroom
23 taking notes. I'm not comfortable with that. I'm not in
24 federal court, but anything he says here can be used
25 against him, so I'm not going to talk to you anymore.

1 But here's what I want to do. I'm going to
2 hold you nonbondable. I think there's been a material
3 change in circumstances. The information that has now
4 been presented, in addition to what was in the motion
5 regarding the actual criminal complaint that has been
6 prepared -- again, I don't know what's happening in that
7 with respect to how the federal government is planning to
8 proceed regarding having you appear in that case. I don't
9 know.

10 Counsel, I know you're a state prosecutor,
11 but you do have an FBI agent in the back. If there's any
12 information that's known or knowable that can be shared
13 with the Court, the state court judge, that's very helpful
14 to me.

15 MR. CHUNG: Your Honor, I'm going to ask
16 Agent Bates to make a representation.

17 THE COURT: Okay. So, sir, come on up here
18 so you can be on the record, and tell me your full name.

19 AGENT BATES: Yes, my name is Phillip, with
20 two L's, Bates, B-A-T-E-S.

21 THE COURT: And my understanding is you are
22 an FBI agent?

23 AGENT BATES: Yes, ma'am, I'm a Special
24 Agent.

25 THE COURT: And that you're here in

1 connection with a criminal complaint I've now reviewed.

2 AGENT BATES: Yes, ma'am, and corresponding
3 arrest warrant.

4 THE COURT: Okay. So you're here to arrest
5 the Defendant?

6 AGENT BATES: Yes, ma'am.

7 THE COURT: Okay.

8 AGENT BATES: Should he be released from
9 custody today, it was our intention to take him into
10 custody. However, out of deference to the Court --

11 THE COURT: Okay. Well, I needed to know
12 that, because if I'm going to -- if I know that he's going
13 into federal custody to deal with these charges, I would
14 release him to you. I would be comfortable raising that
15 as a prospect if this -- I want to know how the State
16 feels about that.

17 MR. CHUNG: Your Honor, I had discussed that
18 possibility with Agent Bates, but Agent Bates also -- we
19 came to an agreement that he can wait for this trial to
20 conclude before taking Mr. Rodvelt into custody on the
21 federal matter.

22 THE COURT: Okay. And the -- and the issue
23 there would be that on -- he could still -- and I'm just
24 trying to see through the consequences of the various
25 options here, okay?

1 The allegations in the federal case are,
2 frankly, more serious than the allegations in the state
3 case because we have an allegation that a federal agent
4 was injured, actually had to seek medical attention.
5 That's No. 1. Not that the State case isn't important.

6 The second issue is this: If Mr. Rodvelt is
7 convicted in the state case, it's mandatory prison. So
8 there's going to have to be -- and he then is hailed over
9 into federal court, but I would want to make sure any time
10 in custody he's receiving credit for in the state
11 sentence, and that we're not going to have any kind of
12 problem with what happens between the state and the
13 federal system regarding managing those issues.

14 It becomes more complicated. So I just want
15 to understand what the State's position is regarding that.

16 MR. CHUNG: Your Honor, the State would not
17 be opposed to giving Mr. Rodvelt credit in that situation.

18 THE COURT: Okay. All right. Okay. All
19 right. Thank you. That's very clarifying.

20 AGENT BATES: Thank you.

21 THE COURT: Mr. Buesing, does your client
22 want to be represented at this point or not?

23 Because let me just explain, sir, where this
24 train is headed. I'm about to take you into custody, and
25 we're about to go to trial, okay? And then you're also --

1 understand, we have an FBI agent here that if I'm to
2 release you, you're going into custody, anyway, oh the
3 federal case.

4 So you're going into custody. You'll either
5 be in federal custody, having your initial appearance on
6 this case, and I -- and I don't know whether you would be
7 released in that case. But the problem with that case is
8 it requires transfer up to Oregon.

9 So, Mr. Rodvelt, do you want a lawyer to
10 represent you at this point? Because this is getting very
11 legally technically complicated, And Mr. Buesing happens
12 to practice both in federal and state court.

13 THE DEFENDANT: I understand, Your Honor,
14 what's going on in the federal case, and I've spoken with
15 Mr. Bates before, and the Court doesn't want to hear
16 anything that I can say, so if I --

17 THE COURT: What do you have --

18 THE DEFENDANT: I'm only half-owner of this
19 property that I'm accused of being on --

20 THE COURT: I'm not --

21 THE DEFENDANT: -- and it's --

22 THE COURT: Any statement -- Mr. Buesing,
23 could you talk --

24 THE DEFENDANT: I would rather take care of
25 this case first and then deal with the federal case

1 second.

2 THE COURT: Okay. I'm taking you into
3 custody. Now, counsel, he has to be processed.

4 MR. CHUNG: Okay.

5 THE COURT: So I'm not -- I think I can get
6 him back by 1:30, but I can't guarantee that. I'm just
7 concerned about the processing time it takes --

8 MR. CHUNG: Sure.

9 THE COURT: -- because I would bring a
10 deputy up here to take Mr. Rodvelt into custody.

11 MR. BUESING: May I have just one moment,
12 Your Honor?

13 THE COURT: And then he would need to have
14 clothes and other things arranged in order for him to be
15 trial appropriate.

16 MR. CHUNG: So would Your Honor propose,
17 then, starting voir dire tomorrow?

18 THE COURT: Well, that's what I'm now
19 thinking.

20 Moreover, I would need to change the
21 preliminary jury instructions to include the instruction
22 about a deputy in the courtroom.

23 MR. CHUNG: Okay.

24 (Discussion off the record.)

25 THE COURT: Go ahead, Mr. Buesing.

1 MR. BUESING: Thank you, Your Honor.

2 Mr. Rodvelt still wishes to represent
3 himself in the state matter. He did want me to advise the
4 Court that if he were to be taken into custody, that he
5 would prefer to be taken into custody by the FBI agent so
6 he could address those issues. That is a request that he
7 would make, so --

8 THE DEFENDANT: I also want to point out
9 that I have a life-threatening illness, and I'm on
10 medication for blood clots, and I need to stay -- I need
11 to keep my medicine.

12 THE COURT: Well, Mr. Buesing can talk to
13 you about the difference between being being a resident of
14 the feds or a resident of the state. So that's a separate
15 issue, and you're free to talk to Mr. Buesing about that.

16 Mr. Rodvelt, you've heard, would like to
17 reverse the order of the -- of the cases, but I'm open to
18 whatever is workable between the federal and the state
19 government.

20 MR. CHUNG: In that case, Your Honor, the
21 State would like to proceed as scheduled with this trial
22 first.

23 THE COURT: Okay. All right. I'm going to
24 bring a deputy up to the courtroom. I'm finding you
25 nonbondable. I'm finding that you are a danger to other

1 persons or the community. I am going to, based on the
2 processing time for this, reset the jury for tomorrow
3 morning at 10:45 a.m., because Mr. Rodvelt will be in
4 custody. You'll need to make arrangements for there to be
5 civilian clothes available.

6 You will continue to represent yourself.
7 You still have a right to represent yourself in connection
8 with the trial. But, again, I'm going to set the trial
9 time -- I will redo the preliminary instructions to
10 include the fact that there's a deputy that will be
11 present in the courtroom and that the jury is to not draw
12 any conclusions from that deputy being present in the
13 courtroom.

14 I will have to address the -- also adjust
15 the trial date by adding one day. That's what I'm going
16 to have to do.

17 THE DEFENDANT: It's -- by doing it this
18 way, Your Honor, you've made it almost impossible for me
19 to represent myself.

20 THE COURT: Sir --

21 THE DEFENDANT: I have subpoenas to get out
22 today. I was arrested Saturday morning. Saturday,
23 Sunday, I was in -- I couldn't get subpoenas done, and --
24 and by representing myself, I don't have anybody to serve
25 the subpoenas or do anything.

1 THE COURT: Sir, you have an advisory
2 counsel sitting next to you. He will not be behind bars.
3 So -- and this case has been set, and you, yourself, said
4 you were ready to go earlier.

5 So seek Mr. Buesing's assistance. He
6 actually has knowledge of the rules of procedure and the
7 Rules of Evidence. He can also substitute in and
8 represent you completely, but I don't want to trample on
9 your right to represent yourself.

10 But you can seek his assistance. He is
11 there, so do seek his assistance, but I am taking you into
12 custody. Trial will commence tomorrow.

13 Counsel, I'm going to e-mail you both copies
14 through my staff of the revised instructions.

15 Mr. Buesing, you'll have to -- I know you're
16 not counsel of record. You're only advisory counsel. I
17 have no way to get them to the jail.

18 There is one more housekeeping matter I can
19 take care of. There's an additional statement of the case
20 that was added to address Count 6, which is that on June
21 3rd, 2017, Defendant knowingly -- I'm going to say
22 allegedly knowingly disobeyed or resisted a lawful order,
23 process, or other mandate of the Maricopa County Superior
24 Court.

25 So I will agree with that modification that

1 it's an allegation to add that to the current statement of
2 the case.

3 Counsel, anything else?

4 MR. CHUNG: No, Your Honor. Thank you.

5 THE COURT: Okay.

6 MR. BUESING: Your Honor, I just -- just a
7 few notes that -- just of concern. I will do my best to
8 coordinate with Mr. Rodvelt to keep things going as
9 scheduled. He does -- I'll go through his paperwork. He
10 does represent himself. His paperwork should follow
11 him --

12 THE COURT: I'll make sure when the deputy
13 comes in -- Mr. Rodvelt actually has to sign right now my
14 order, but I will stay here and communicate with the
15 deputy both that Mr. Rodvelt is under medical care to make
16 sure that there's no disruption in the medical care, and
17 that his -- he represents himself, so his paperwork should
18 stay with him.

19 But what would be of assistance is while
20 we're waiting for the deputy, that backpack will not --
21 that will be taken. That will be secured. But if I were
22 you, I would remove all of the paperwork you think you
23 need to refer to in connection with representing yourself,
24 so that it can be separated. And I can direct the deputy
25 to that matter, and the deputy will know to safeguard that

1 material.

2 MR. BUESING: Yes.

3 THE COURT: Chrystal, in fact, get an
4 Expando for Mr. Rodvelt right now so he can put his legal
5 paperwork that he needs to represent himself in an
6 Expando, and it can be separated for the deputy so the
7 deputy knows what is legal paperwork as opposed to what
8 they will inventory and save until you're released, okay?

9 Anything else?

10 MR. BUESING: And I will work with getting
11 clothing for him. I'll need his booking number, so I'll
12 try to get that as quickly as I can.

13 THE COURT: Yes, and you can check back with
14 my staff about that. We'll know it as soon as you do,
15 but, you know, I don't have special access other than we
16 can look it up just like you can.

17 MR. BUESING: Yes, Your Honor.

18 THE COURT: Okay. And I think we had
19 originally said the trial would end -- let me look at the
20 preliminary instructions. I just want to make sure we're
21 accurate about trial dates here so we don't have to have
22 instructions reprinted again.

23 The trial dates I have were today, so that
24 date will drop off. September 12th, 13th, 17th, 18th,
25 20th, 24, and I'm adding 25.

1 MR. BUESING: Okay. And, Your Honor --

2 THE COURT: If needed, obviously.

3 MR. BUESING: I'm sorry to interrupt. The
4 17th, that was that afternoon that I have that urgent
5 hearing that was moved and combined with Judge Beatty
6 (phonetic) in the afternoon.

7 THE COURT: Okay. So that's morning only,
8 okay?

9 MR. CHUNG: Thank you, Your Honor.

10 MR. BUESING: Thank you, Your Honor.

11 THE COURT: Okay. And, counsel, I will add
12 the additional statement of the case as to Count 6 just to
13 the original statement of the case that was finalized,
14 okay?

15 MR. CHUNG: Thank you.

16 MR. BUESING: Thank you, Your Honor. And
17 we'll go off the record, but I'll wait here for the deputy
18 so I can direct the deputy.

19 (Thereupon, proceedings are recessed and
20 thereafter resumed.)

21 THE COURT: Two instructions. Mr. Rodvelt
22 is under medical care and is taking prescription medicine.
23 So it's very important that there be no disruption in his
24 medicine, because trial will start tomorrow. So he's in
25 trial, and the trial's going to start tomorrow. And I

1 want to make sure he's fully medicated and properly
2 medicated.

3 THE DEPUTY: I'll put that on his medical
4 card.

5 THE COURT: And then he also is representing
6 himself. So I've asked him to separate out of the
7 backpack those papers and documents and rules of procedure
8 that he'll need in the jail in order to represent himself.
9 So he has to have that paperwork --

10 THE DEPUTY: All the paperwork, but they
11 won't let him take the book in right now.

12 MR. BUESING: Do you want the --

13 THE DEFENDANT: Without a trial handbook? I
14 can't read my book --

15 THE COURT: He needs that book, so I'm
16 ordering the book stay with him. It can be checked for
17 contraband, obviously, but he needs the book, because
18 trial is tomorrow, and I don't want there to be any record
19 of any problem with his access to the material.

20 THE DEPUTY: We'll look through it --

21 THE COURT: Yes. If there's any difficulty,
22 circle back to me, because I want to be able to start this
23 trial tomorrow. I don't want a problem.

24 THE DEPUTY: Okay.

25 THE COURT: Okay. Thank you. We're at

1 recess.

2 (Thereupon, proceedings are recessed and
3 thereafter resumed.)

4 THE COURT: We're back on the record.

5 Counsel, because of the arrest warrant, the
6 last day got, I think, vacated or -- and so I want to make
7 sure we have a last day. So the original last day was --
8 what's the last day that was --

9 THE DEFENDANT: It's got my medicine in it
10 and everything.

11 THE COURT: I think the last day that I last
12 noted that we had --

13 THE CLERK: I have 9-16.

14 THE COURT: 9-16, so we're still good.

15 Okay. I'm just going to affirm the last day
16 that was last existing, because the arrest won't disrupt
17 any prep for new trial or anything.

18 Okay. And who's the sergeant?

19 THE DEPUTY: He's just outside. He's coming
20 in.

21 THE COURT: Okay. I just want to make sure,
22 if there's any questions, we can deal with that.

23 THE DEFENDANT: Sure I can't turn myself in
24 tomorrow instead --

25 THE COURT: Nope.

1 THE DEFENDANT: -- so I can get my medicine
2 and whatnot?

3 THE COURT: Nope.

4 THE DEFENDANT: Okay.

5 THE COURT: Are you the sergeant?

6 SERGEANT KELLER: Yes, ma'am.

7 THE COURT: Hello, sergeant. A couple
8 things. We're starting trial tomorrow.

9 SERGEANT KELLER: Okay.

10 THE COURT: So I have a couple -- this
11 gentleman is under medical care and is taking medicine,
12 and it's very important that there be no disruption. I
13 know I'm taking him into custody, but I can't have
14 anything impacting the trial proceedings, so he has to be
15 able to maintain his medical care while in trial. So
16 that's the first thing.

17 SERGEANT KELLER: Okay.

18 THE COURT: The second thing is he's
19 representing himself. I had him separate his legal papers
20 out into the Expandos. I've been told he cannot have the
21 book, but it is a trial book. It is a trial prep book,
22 and I ordered that he be permitted to have it again so
23 that there will there will not be any claim that he was
24 deprived of his legal materials, and we have trial
25 starting tomorrow.

1 SERGEANT KELLER: Unfortunately, Judge, I
2 can answer both those questions for you. We do not
3 control what the jail does. They will not allow my
4 deputies to put that in the jail. They will allow his pro
5 per attorney to take it and give it to him at the jail --

6 THE COURT: Okay.

7 SERGEANT KELLER: -- but we have to put it
8 in property for safekeeping because we have what we call
9 an 8-by-12 plastic bag that they allow us to put stuff in.

10 As far as his medical, the Sheriff's Office
11 can't control the medical. That is CHS that controls the
12 medical. We can put a note in that he needs to be on his
13 meds in there, but we have no say as to what CHS does.

14 THE COURT: Well, I'm going to order that
15 CHS meet with Mr. Rodvelt today.

16 SERGEANT KELLER: They will see him today,
17 Judge.

18 THE COURT: And further, that all
19 prescription medication be maintained while in the custody
20 of Maricopa County Jail.

21 SERGEANT KELLER: Very good.

22 THE COURT: Okay.

23 SERGEANT KELLER: That works.

24 THE COURT: Anything else?

25 SERGEANT KELLER: That's all that we can do,

1 Judge.

2 THE COURT: Mr. Buesing, I know you're
3 advisory counsel. You're going to have to secure the book
4 and take it over to the jail, but he'll be in the
5 horseshoe for a while --

6 SERGEANT KELLER: Yeah, you can take it over
7 to the jail, let them know that he's being remanded in and
8 that he's going to be in intake, and they will find him in
9 intake and give it to him.

10 MR. BUESING: I -- so I take it --

11 SERGEANT KELLER: 4th --

12 MR. BUESING: So if I take -- if I'm taking
13 the book --

14 THE COURT: Just the book.

15 MR. BUESING: Okay. So he can have the --
16 the papers?

17 SERGEANT KELLER: He can take those with
18 him. It's the book -- he can keep those in his
19 possessions.

20 MR. BUESING: Okay. And I did have a
21 question, because Mr. Rodvelt wants me to take his car
22 keys. I'm not comfortable with taking possession of --

23 THE COURT: They go into the Sheriff's
24 custody. And they safekeep that with any other property
25 that they secure upon his admission into the Maricopa

1 County Jail. That's where the car keys go. So put them
2 in the backpack.

3 Anything else?

4 MR. BUESING: And I believe Mr. Rodvelt -- I
5 can call -- he did give me phone numbers for two of his
6 friends about obtaining his car, and things like that.
7 I'll contact them and --

8 THE DEFENDANT: So my car's not impounded.

9 THE COURT: Well, the problem I have, sir,
10 is I'm not taking custody of the car keys, and Mr. Buesing
11 has indicated he's not taking custody of the car keys. So
12 I don't have a way to secure your car keys.

13 THE DEFENDANT: I'll try and give the car
14 keys to somebody else so they can pick my car up.

15 THE DEPUTY: We can explain that to you,
16 sir --

17 THE COURT: You all work that out with the
18 jail, but the jail inventories everything that they
19 safeguard.

20 Okay. We're at recess.

21 MR. CHUNG: Thank you, Your Honor.

22 (Thereupon, proceedings are adjourned.)
23
24
25

C E R T I F I C A T E

I, TARA L. KRAMER, do hereby certify that the foregoing pages constitute a full, true, and accurate transcript of the proceedings had in the foregoing matter, all done to the best of my skill and ability.

WITNESS my hand this 28th day of February, 2019.

/s/
TARA L. KRAMER, RPR
Certified Reporter #50439